Board of Parole Hearings Hearing Preparation

Board of Parole Hearings



Topics Covered

- Reviewing a Central File
- Materials Made Available to Attorneys
- · Client Interviews
- Waivers, Stipulations, Postponements and Continuances
- Hearing Timeline

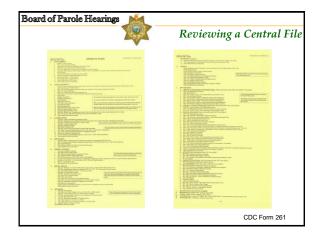
Board of Parole Hearings



Reviewing a Central File

Components of a Central File (C-File)

- Case Summary
- · Miscellaneous
- Legal
- Detainers
- Classification Chronos Parole
- Disciplinaries
- BPH
- · General Chronos
- Confidential 15 CCR
 - 2235



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Reviewing a Central File

Going Paperless!

- Women's institutions
- Conversion for the men's institutions
- Disk and Terminal

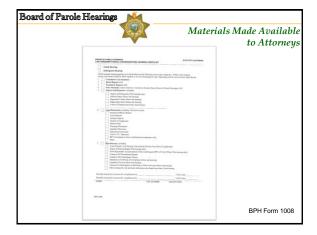
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Materials Made Available to Attorneys

Hearing Packets (aka Board Packets)

- 1. Cumulative Case Summary
- 2. Board Reports
- 3. Psychiatric Reports 15 CCR § 2240
- 4. Prior Decisions
- 5. Notices and Responses
- 6. Legal Documents
- 7. Miscellaneous



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Materials Made Available to Attorneys

Late Mail Folder

- · Presented at the hearing
- · Received after the packets sent out
- · Usually contains letters

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Client Interviews

Client Interviews

- Meeting with a client
 - Gate Clearance
 - Check Institution Status Day-of
- Review Hearing Packet
- Review DECS for communication issues
- Review C-File
- Bring WSPers form
- Meet at least 45 days in advance

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Waivers, Stipulations, Postponements and Continuances

Waivers, Stipulations, Postponements and Continuances

"The rights and interests of all persons properly appearing before a [B]oard [of Parole Hearings] life parole consideration hearing are best served when hearings are conducted as scheduled." (15 CCR § 2253(a))

Four Ways a Hearing Can Be Delayed (15 CCR § 2253):

- 1. Voluntary Waiver
- 2. Stipulations of Unsuitability
- 3. Postponements
- 4. Continuances

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Waivers, Stipulations, Postponements and Continuances

Waivers

- 15 CCR § 2253(b)
- Waive for 1, 2, 3, 4 or 5 years
- May only waive 3 consecutive parole hearings
- Presumed valid if submitted to the Board 45 days or more prior to hearing
- Presumed invalid if within 45 days of hearing

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Waivers, Stipulations, Postponements and Continuances

Stipulations

- 15 CCR § 2253(c)(1)
- Governed by Marsy's Law denial lengths

Postponements

- 15 CCR § 2253(d)
- At request of prisoner or at panel's own motion
- Upon a showing of good cause, a prisoner can seek to resolve a relevant matter

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Waivers, Stipulations, Postponements and Continuances

Continuances

• 15 CCR § 2253(e)

Good Cause

- Required for postponements, continuances and waivers within 45 days of a hearing
- "[A] finding by the board based upon a preponderance of the evidence that there is a factual basis and good reason for the decision made." (15 CCR § 2000(b)(50)

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Waivers, Stipulations, Postponements and Continuances

Examples

- An attorney is at a hearing and asks the Board to postpone the hearing because she has a meeting scheduled later in the day that she might miss if the hearing goes forward. Does this request meet the requirements for a postponement?
- 2. An inmate was accepted to a transitional house and plans to parole there. However, the week before his hearing he was contacted by the transitional house and told that they no longer have a spot for him. As a result, the inmate would like to postpone his hearing to arrange new parole plans. Does this request meet the requirements for a postponement?

Board of Parole Hiearings Hearing Timeline DAYS PRIOR TO MINITED AND TO MINITED

